

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 26TH DECEMBER 2006 / 5TH POUSHA 1928

Bail Appl..No. 7560 of 2006()

.....
CRIME NO.26/03 OF KOLATHOOR POLICE STATION.

: PETITIONER/2ND ACCUSED:

ABDUL RAHIMAN K.P.,
KUNNAMPALLIYALIL HOUSE,
P.O.KADUNGAPURAM, PUZHAKKATTIRI,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: (DEFACTO COMPLAINANT AND STATE):

1. THE SUB INSPECTOR OF POLICE,
KOLATHUR POLICE STATION, KOLATHUR,
MALAPPURAM DISTRICT.
2. THE STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
HIGH COURT BUILDINGS, HIGH COURT ROAD,
ERNAKULAM, COCHIN- 682031.

BY PUBLIC PROSECUTOR SHRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7560 OF 2006

DATED THIS THE 26TH DAY OF DECEMBER, 2006

O R D E R

Petitioner is the 2nd accused in Crime No.26/03 of Kolathoor Police Station for offences punishable under sections 143, 147, 148 and 324 read with section 149 IPC. The said case is presently pending before the Additional Sessions Court(Adhoc-I), Manjeri as S.C.No.448/04. It constitutes a counter case in respect of S.C.No.153/04 pending before the very same court and arising from Crime No.25/06 of Kolathoor Police Station. The petitioner was granted bail by the J.F.C.M., Perinthalmanna. Subsequently, he was absconding and his bail was cancelled by the Magistrate who had issued non-bailable warrants of arrest against him. Thereupon the petitioner moved the Sessions Court, Manjeri by filing Crl.M.C.684/06 seeking anticipatory bail. The same was dismissed. It is thereafter that the petitioner has filed the present application for anticipatory bail.

2. Anticipatory bail cannot be granted in a case where non-bailable warrants of arrest are pending against the

petitioner. No doubt, the case has since been committed to the Sessions Court for trial. There is no reason why the petitioner should not surrender before the Sessions Court and seek regular bail. Accordingly, if the petitioner surrenders before the Additional Sessions Court (Adhoc-I), Manjeri where S.C.NO.448/04 is pending and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn